

1882-043 Chancery Causes: Gdn. of Charles Tinsley vs. Charles Tinsley, indpt & Lee Co.

McNeil, McNeil, Messer, McDonald, Crabtree, Scott, Morgan, Henson

CA Estate Dispute  
T-Property



To the Honorable John A. Kelly Judge  
of the Circuit Court of Lee County:

The Bill of Complaint of Alexander C.  
Mitze Guardian of Charles Tinsley re-  
spectfully represents to your Honor that one  
William E. N. Mark of Knox County Ken-  
tucky was the owner of a tract or parcel  
of land lying and being on the main  
Cumberland Gap road, about eight miles  
west of Jonesville in Lee County Virginia,  
known as the Burnett and Scott land, and  
which contained about 120 or 125 acres more  
or less; which tract of land is more fully  
described in the deeds herewith filed.

Your Orator will here state that the said  
William E. N. Mark had extensive real and  
personal estates in Knox County Kentucky  
where he last resided and in Lee County  
Virginia where he formerly resided all  
of which he disposed of by last will and  
testament to his wife and children and  
then departed this life the said last will  
and testament being duly admitted to  
record in the County Court Clerks office  
in Lee County Virginia as well as in the  
proper Court Clerks office in Kentucky.

Your Orator alleges that by his said  
Last will and testament the said



William E. N. Mark deceased among other things bequeathed to One James P. Tinsley and one Emily Tinsley his wife who were the son-in-law and daughter of Said William E. N. Mark the Said Tract of land known as the Burnett and Scott land all of which will appear by an extract of Said Will & Testament herewith filed.

Your Orator alleges that upon the death of Said William E. N. Mark the Said James P. Tinsley and Emily his wife become the joint owners of the Said Tract of land under and by virtue of Said last will and testament.

Your Orator will further state that about three months after the Said William E. N. Marks death the Said James P. Tinsley also departed this life intestate leaving an infant son by his wife Emily Tinsley whose name is Charles Tinsley who is under fourteen years of age and who is your Orator's ward.

Your Orator alleges that upon the death of the Said James P. Tinsley intestate, his undivided half in Said Tract of land become vested in his infant heir Charles Tinsley subject however to his widow Emily Tinsley's right of dower therein.



Extract from William E. Marks Will,

Eighth, 8<sup>th</sup>, I will and bequeath to my  
son-in-law James P. Hinsley & Emily his  
wife a certain tract or parcel of land  
lying being situated in the County of Lee  
& State of Virginia, immediately upon the  
main State road known as the Burnett  
& Scott land to them and their heirs  
forever.



A. C. McNeil <sup>Heir</sup> Guardian  
vs. Extract from  
W. E. N. Marks will  
Charles Finley & others



Your Orator will further State that Since the death of Said James P. Tinsley his widow Emily has intermarried with one Sion Messer and they with her son Charles all reside in                      County Ky. the Said tract of land is therefore now owned by Emily Messer and her husband Sion Messer and your Orators ward, the Said Ward owning one undivided half of Said tract Subject to the Said Emily Messers Right of Dower as aforesaid.

Your Orator alleges that he thinks and believes that the interest of his ward Charles Tinsley will be promoted by a Sale of his interest in Said land and by a Sale of the <sup>Said</sup> tract of land in which he is interested with the Said Sion Messer and Emily his wife and to show the propriety of Said Sale Your Orator will here State the following facts. The Said infant ward has no other interest in any real estate in Virginia known to <sup>your orator</sup> except his undivided interest in Said tract of land, and Your Orator does not know of any personal estate or interest in personal estate belonging to his ward excepting probably a small amount of rents and profits due for the use and occupation of his part of Said tract of land.



The Said Sion Messer and his wife Emily with her infant Son Charles reside in ~~the~~ County Kentucky and there is no probability of them or either of them removing to the Said Tract of land or near it so as to use and occupy it themselves. The interest on the money for which the land can be sold will be of more intrinsic value <sup>to his wards</sup> than the rents & profits derived from such tenants as would lease the same taking into consideration the waste and deterioration on the same. The Said Tract of land is that quality of land that would become impoverished in the hands of tenants who had no permanent interest therein. The money for which your orator's wards interest can be sold can be invested to the better interest of his ward at other places where the ward may reside.

Your Orator will further state that the widow of William E. N. Mark deceased is not entitled to Dower in Said land because she is provided for in the will of her <sup>late</sup> husband and has not and will not renounce the same, but is satisfied with what the will gives her, in lieu of Dower.



Your Orator further alleges that in case his ward Charles Tinsley was to die without issue <sup>his interest in</sup> the said real estate having been derived by descent from his father James P. Tinsley deceased the same would descend and pass to his kindred on the side of his father James P. Tinsley from whom it was so derived and your Orator will here state that the said Charles Tinsley's kindred on the side <sup>his father</sup> of James P. Tinsley deceased are as follows to wit: William M. Tinsley who is the father of the said James P. Tinsley deceased and who is the grand father of the infant ward Charles Tinsley and who would be the heir and distributee of the said infant Charles Tinsley if he were dead, and your orator claims that the interest of the said William M. Tinsley in case he should have any would also be promoted by a sale of said infants part of the said tract of land.

Your orator alleges that the said Lion Messer and Emily Messer his wife and the infant Charles Tinsley and the said William M. Tinsley who is the grandfather of the said infant and who under the laws of Virginia would be said infants heir and distributee ~~are all~~ if he were dead are all nonresidents of the State of Virginia and live in Kentucky.



Now the object of this Bill is to Sell the Said Charles Tinsley's interest in the Said tract of land and to Sell the entire tract of land pursuant to the provisions of Chapter 124 of the Code of Virginia Edition of 1873.

Your Orator being without a remedy at law and relievable only in a Court of Chancery his prayer therefore is that the Said <sup>infant ward</sup> Charles Tinsley and Sion Messer and Emily Messer his wife and the Kindred of the Said Charles Tinsley on the Side of the Said James P. Tinsley to wit the Said William M. Tinsley who is the father of the Said James P. Tinsley deceased and the Grandfather of the infant Charles Tinsley be all made the parties Defendants to this Bill and that they all be Summoned and required to answer the several allegations of this Bill upon their oaths and that an order of publication be duly made posted and published <sup>against</sup> all the Defendants who are each and all of them nonresidents and they be all



Be all Summoned and required to answer  
the allegations of this bill upon their  
oaths and that an order of publication  
be duly made posted and published a-  
gainst all the Defendants they each  
and all of them being nonresidents  
of the State of Virginia and that a  
Guardian ad litem be appointed to  
appear answer and defend for the  
infant Charles Tinsley and

And that upon a final hearing of Said  
Cause that your Honor will decree a  
Sale of Said Tract of land or at  
least the Said Charles Tinsley's interest  
therein and that your Honor will grant  
Such further other and General relief as  
may be Consistent with equity and Justice  
and best Suited to his Case and to the best  
interest of his ward. May the Common-  
wealths writ of Spa. & order of publi-  
cation issue Directed &c.

David Miller for Complt.



Virginia Lee County to wit:

This day Alexander C. McNeil guardian for Charles Lindley and Complainant in this Suit personally appeared before me the undersigned Clerk of the Circuit and County Courts of said county and made oath in due form of law that the facts and allegations contained in the within Bill in Chancery are true to the best of his knowledge information and belief given under my hand this the 7th day of February 1876.

James W. Orr. Clerk

1876 Feb. 7. Fil. W. McNeil, guardian for Charles Lindley and Complainant in this Suit.

" 11. D. A. Carter & Co. v. Carter

" 11. App. & Mary Carter.

" 11. James G. P. v. Carter.

" 11. Julius Carter v. C. P.

" 11. Aug. C. Carter v. Carter & Co.

" 11. Carter v. H. C. v. Carter & Co.

" 11. Carter v. Carter & Co. v. Carter & Co.

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To the Honorable John Q. Kelly Judge of the Circuit  
Court of Rio County

The answer of Charles Lindley infant  
son and heir of James P. Lindley decd. under 14  
years of age by Wm. H. Orr his guardian ad litem  
to the bill filed in the circuit court of Rio County  
vs him and others by his guardian Alexander C.  
McNeil and for answer thereto the defendant by Wm. H.  
Orr his guardian ad litem says that he reserves none  
and breathes all good and proper exception to  
the complainant's bill and for further answer  
thereto the defendant further says that he is an  
infant under 14 years of age and was born in  
the State of Kentucky and since lived in the  
State of Virginia and therefore of his own  
knowledge knows nothing of the facts of  
the case that he is in and declines that  
he or any one is entitled to one undivided  
half of the tract of land in the bill men-  
tioned subject to the claims of his mother  
Emily Messer who was the widow of  
his father James P. Lindley decd. And  
he further states that there is no probability  
that he or his mother or any one  
connected with him living or  
now or occupying the said land  
and if the said land could be sold  
for a fair price and the money put



out and interest are invested in land in  
Kentucky it would be to his interest  
that it should be done. But the said  
infant being and infant under the age of  
14 years old and personally having no  
knowledge of the facts and circumstances  
of this case he asks that the court re-  
quire the plaintiff in this case to  
proceed according to the strict rules of  
equity and justice and that the court  
require the said interest of him the said  
Charles Linsley in the land in the bill  
mentioned to bring its full value in  
case a sale is decreed and the said  
infant further asks the court as the  
court of Chancery is the peculiar guardian  
and protector of the rights of infants  
to protect the said Charles Linsley's rights  
in this case. Having answered as  
fully as is obtainable he prays that  
the Complainant's bill be dismissed  
with costs

Charles Linsley  
by Mr. A. O. —  
Guardian of Infant

Sworn to before me Feb. 22 1874.  
John R. Wilson C. C.



A. C. M. Kirk Guardian &c

vs } Ans. D. A. L.

What money at also

~~at Aug. 1874~~

~~John R. Kirk~~



A. C. McNeil Guard & Co. vs. Poff  
vs.  
Charles Tinsley & al      Deft. } In Chy

This cause came on again to be finally heard, on the papers heretofore read in the cause, and the report of Special Court Henry J. Morgan showing the execution of the deed made by a former clerk in the cause, and was argued by counsel.

On consideration thereof, the said report being accepted to, it is adjudged, ordered and decreed that said report and the deed of conveyance therewith filed, be and the same are hereby confirmed, and the clerk of this court, will deliver said deed to the clerk of the county court to be by him recorded.

And no further action being necessary in this cause the same is thenceforth dismissed.



Alb. McNeil

as 3 Decree Final

Johns. Tinsley

Wellsport 24/10 260

4500 10/11

Enter

W. A. T.

apt 57  
/82



A. B. McKel guard & Peff }  
129.  
Charles Tenney & al }  
Depts. }

This cause came on again to be further heard on the papers formerly read, and the assignment in writing of Andrew Myers by which he transfers his purchase of the <sup>land</sup> sold in this cause to James D. Morgan and Newark (A.B.) the report of Commissioner David Miller Newark (A.B.) and the report of the plaintiff filed in the cause Newark A.D. and was argued by counsel. On consideration of all which the said two reports of Comr. Miller and said McKel are hereby confirmed the same being resubmitted to, and its appearing from said Assignment (A.B.) that Andrew Myers the purchaser of the land heretofore sold in this <sup>cause</sup> by Comr. Miller had transferred the said so purchased to James D. Morgan and that the latter had paid to A. B. McKel the purchase money & is therefore entitled to a conveyance of the land instead of said Myers. It is therefore further adjudged ordered & decreed that so much of the decree entered in this cause on the 7th day of Sept 1877, as directs said Miller to convey said <sup>land</sup> to said Andrew Myers, is hereby reversed and set aside and instead thereof Henry J. Morgan is hereby appointed a commissioner who is directed to convey <sup>with covenants of special warranty</sup> by proper deed to said James D. Morgan the land heretofore sold in this cause, the same being the undivided interest of Charles Tenney in the tract of land in the bill & proceedings mentioned. Said Comr. will report his action to the court at the present term till which time the cause is continued.



Alb. McNeil graduate

Dr. Doane

Thomas Tinsley

Entered Paper Store

J. H. Wyatt  
Alb. N.

Conk

J. H. K.

Oct 4/82



A. C. H. Mail Guardian & C. H. H. }

Against

Charles Lindley Vathens Dept.

Decree

This Cause came on this day to be heard upon the papers formerly read in the Cause and the report of Sale and Supplemental reports thereto of David Miller <sup>the Commissioner</sup> and was argued by Counsel and it appearing that said reports had been filed in the Clerk's office for more than 30 days before this term of the Court and no exceptions having been filed thereto the same are approved and confirmed and consideration of which the Court hereby orders David Miller the Commissioner to execute a deed of Conveyance to the purchaser Andrew Myers and he will return the same to this Court and he will pay out the costs of this suit to the parties entitled thereto and he will deliver the bond of One hundred <sup>and fifty</sup> Dollars executed by the purchaser to the Plaintiff who shall account for the same as Guardian for the infant Defendant Charles Lindsey & ~~the Cause is continued.~~ Said bond being executed and dated on the 6th day of November 1876 and bearing interest from date but before the Plaintiff A. C. McNeill shall receive said bond he shall first execute and file in this Cause his bond with good secu-



approved by this Court  
ity ~~payable to~~ in the penalty of Three  
Hundred Dollars payable to the said Charles  
Tinsley his ward Conditioned to faithfully  
account to him for the same as his guardian  
and the Cause is Continued

St. G. McNeil Guardian

Decree

Charles Tinsley & others

Costs paid page 683 & 684

James M. Smith

Done  
at St. A. L.  
this 24th



Alexander C. McNeil Guardian &c. (Plffs.)

Against  
Charles Insley & others Defts.

} Decree for Sale

This Cause came on this day to be heard upon the Complaint, Bill and the exhibits filed therewith and the answer of <sup>Charles Insley</sup> the infant Defendant by William H. Orr his Guardian ad Litem and the Depositions of witnesses and it appearing to the Court that all the Defendants had been served with process by an order of Publication having been duly made posted and published against them they all being nonresidents and that this Cause has been regularly matured at rules & set for hearing by Complainant, and it further appearing to the Court ~~that~~ <sup>from the evidence filed in this Cause</sup> that the infant Defendant Charles Insley's interest will be promoted by a Sale of the said infants interest in the tract of land in the Bill mentioned,

The Court hereby appoints David Miller a Special Commissioner whose duty it shall be to sell at public outcry to the highest bidder the said Charles Insley's undivided half of the tract of land in the Bill mentioned known as



the Burnett or Scott land which lies about  
 eight miles west of Jonesville on the main  
 road in Lee County. Said undivided half  
 to be sold Subject to the Defendant Emily  
 Messers's Dower. But before proceeding to  
 sell said interest in said land he will  
 post notices of the time place and terms  
 of Sale at the front door of Lee Courthouse  
 and two or more other public places in said  
 County, <sup>for four weeks before the day of Sale</sup> and before selling he will execute  
 a bond in the penalty of \$500. Conditioned  
 according to law. He will require  
 the Costs of this Suit and the expenses of  
 Selling in Cash and for the residue  
 he will take a bond with good Security  
 due twelve months after date and  
 bearing interest from date and he  
 will report to this Court at next term and  
 the Cause is Continued

Alexander Co. M<sup>rs</sup> M<sup>rs</sup> M<sup>rs</sup>  
 Plaintiff vs.  
 Defendant etc.

vs. Messrs for Sale

Charles Shubert & Son

Capt. J. C. M<sup>rs</sup> M<sup>rs</sup> M<sup>rs</sup>  
 Capt. J. C. M<sup>rs</sup> M<sup>rs</sup> M<sup>rs</sup>

J. C. M<sup>rs</sup> M<sup>rs</sup> M<sup>rs</sup>

E. L.

J. C. M<sup>rs</sup> M<sup>rs</sup> M<sup>rs</sup>

J. C. M<sup>rs</sup> M<sup>rs</sup> M<sup>rs</sup>



Alexander C. McNeil guardian & C. Plff. }  
 against } Interrogatories  
 Charles Sinsley & others } Agreed to.

- 1 Question by plaintiff. Please State whether or not you are acquainted with the tract of land in the Bill mentioned known as the Burnett or Scott land which lies on the main road about eight miles west of Jonesville in Lee County Va. and if <sup>so</sup> State how much land there is what kind of land it is how much is it worth per acre and whether said land is easily injured by careless cultivation and easily improved and where the infant resides and where his mother and relatives reside and any other facts and circumstances in your knowledge with regard to the value of the said tract of land and and as to the promotion of the infant Defendant's interests with regard to the same.
- 2 Question by plaintiff. Please State whether or not the rights of any person would be violated by a sale of the infant Defendant's interest in the said tract of land and whether or not it is probable that the infant defendant or his parents or relatives would any of them ever occupy said tract of land and also State the condition of the said land as to water and timber and whether or not there



is or will be any thing that will enhance  
the value of the land and whether or not  
there is any mineral of any value on the land.  
3 Question by Plaintiff. Please State & State  
if you can what the Said tract of land <sup>has</sup>  
been renting for since these parties have  
owned it and what you think would  
be a fair cash rent for it for money down  
and what would be a fair rent for it  
in money to be paid at the end of the year,  
and also State the Condition of the fencing &  
buildings and also State any thing else within  
your knowledge bearing upon this case?

Alexander G. McNeil Guardian

By his Atty David Miller,

Virginia Lee County to wit;

I the undersigned Guardian ad litem  
for Charles Lindsey an infant Defendant under  
14 years of age in the Suit in Chancery now  
pending in the Circuit Court of Lee County be-  
tween A. G. McNeil Guardian &c. against him  
the Said infant and other defendants, do  
thereby agree that as I cannot be present, the  
Depositions <sup>to be</sup> taken in this Cause may be taken  
on the foregoing interrogatories which are agreed  
on between us and I hereby waive any notice  
as to the taking of Said Depositions. This the  
24<sup>th</sup> day of March 1876. Wm. T. Orr

Guardian ad litem.



The Depositions of George W. McDonald Smith  
Executive Nathaniel M. Scott Benedict M.  
Morgan and H. P. Hanson taken upon inter-  
rogatories agreed on between A. C. McNeil  
Guardian of Charles Smiley and Wm. A. Orr his  
guardian ad litem which depositions were taken  
at the Store of Benedict Morgan and Co. in Lee County  
before Jeremiah Harbor a Justice of the Peace in and  
for Lee County Va and intended to be read as  
evidence in behalf of Said A. C. McNeil Guardian  
of against the said Charles Smiley & others in a Suit  
in Chancery pending in the Circuit Court of Lee County.

George W. McDonald a witness of lawful age  
being duly sworn according to law deposes  
and says as follows.

I am acquainted with the land in the bill mentioned  
known as the Burnett & Scott Land which  
lays on the main Road about eight miles west  
of Leesville in Lee County Virginia and I  
have known said tract of land for over twenty  
years I do not know the quantity but it  
is said to be over one hundred acres and  
it is what is known as Chestnut ridge land  
in this country being on the south side of the  
Chestnut ridge and a good part of it is cleared  
and is considerable worn and impoverished and  
owing to the impoverished condition of the land  
and it having no running water on it I think



five Dollars to be a fair cash value for same  
for it. The said land is early sowed by  
corn cultivation and the said land would in  
my judgment depreciate in value in the hands of  
tenants the infant defendant Charles Dorisley  
and his mother and most of his relatives reside  
out of this State and I suppose they reside in  
the State of Kentucky. There is no running wa-  
ter on the land there is some good timber  
on the land. My judgment is that the <sup>infant's part</sup> interest  
on the money if the land could be sold at a fair  
cash price would be of more real value to the  
infant Charles Dorisley than his part of the  
rents and profit in the hands of tenants.  
I am informed that the entire tract has been  
renting at Thirty Dollars per year. and my opinion  
is that this is a fair rent for it. I do not know  
that the sale of any person would be material  
by the sale of the defendant Charles Dorisley  
interest in said tract. I do not think it proba-  
ble that the infant defendant or his parents  
or any of his relatives would ever occupy said  
tract of Land. I do not know of any thing  
that would enhance the value of the land while it  
is owned by the present owners there are no min-  
erals on it that I know of. as before stated I under-  
stand the land has been rented for Thirty Dollars  
a year but I am informed this is not a cash rent



I think Twenty five dollars in cash down or  
Thirty dollars at the end of the year would be  
a fair rent for the tract of land the fences  
and buildings need considerable repairing there  
is considerable briars sprouts & sage grass on the  
farm. And further this deponent says that  
not.

G. W. McDonald

Smith Crabtree another witness of lawful  
age being duly sworn according to law  
deposes and says as follows:

I am also acquainted with the said tract of  
land and heard the above deponent <sup>of George W. McDonald</sup> recd and  
& concur with him substantially as far as  
my knowledge extends as to the quality and  
value of the said land and the other state-  
ments mentioned in the deposition. I was offered  
the land at Six Hundred Dollars.

and further this deponent says that

Smith Crabtree

Nathanial Mc. Scott another witness of  
lawful age being duly sworn according  
to law deposes and says as follows:

I am well acquainted with the land in  
the bill mentioned which is known as  
The Burnet and Scott land and which



lies on the main road about 8 miles west of Jonesville in Lee County Virginia and I owned the Said tract of land and lived on it about eight years previous to the year 1863 and as a matter of course my opportunities for knowing Said land and my knowledge of the land is better than most any other persons in the County, and I think the tract contains about 120 or 125 acres. It lies on the South Side of the Chestnut ridge and is not rich land. About 50 acres of the tract is Cleared and the Cleared land is much worn and impoverished and the Cleared land was originally the best part of the tract and one material objection to that quality of land is that when it once becomes worn out and impoverished it is very hard to improve and there is no running water on the land and the well which was dug on the land is very inferior water and sometimes has no water in it all the tract is very much out of repair and to some extent grown up in briars and sprouts, and taking all these things into consideration I am of the opinion and it is my judgment that five dollars per acre is a fair price for the Said tract of land.



It is a kind of land that is easily injured by Careless Cultivation in the hands of Tenants who have nothing but a Temporary interest in the land and not easily improved.

The infant Defendant Charles Tinsley and his mother and most of his relatives do not live in the State of Virginia but I understand they live in Kentucky. The Said Tract Contains about 70 or 75 acres of Timbered land and the timber is Common timber but there is <sup>no</sup> market in this Country for the timber and I am of the opinion and it is my judgment that if the Tract of land Could be Sold for a fair price and the money put out at interest that Considering that the land might be impoverished and materially injured in the hands of Tenants the infant Charles Tinsley's part of the interest on the money would in the long run be of more real value to him than ~~the~~ his portion of the rents and profits of said land. I do not know that the rights of any persons would be violated by a Sale of the infants interest in the land. I do not think that it is probable that the infant or his parents or any of his relatives will ever live on



or occupy the Said tract of land and  
may reason for thinking so are that the  
parties live in the State of Kentucky  
and the infants mother and her husband  
have been trying to sell and probably have  
sold their interest in Said tract of land.  
I do not know of any thing that ever  
will enhance the value of the land while  
the infant owns an interest in the tract  
and I do not know of any minerals being  
on the land. I do not know what the  
land has been renting for since the death  
of William E. N. Mark its late owner but  
I am of the opinion and it is my judg-  
ment that the land ought to rent at  
about 35 or 40 dollars <sup>per year</sup> as I think this  
is its annual rental value and if put  
up at auction it might rent for this sum.  
And further this deponent saith not.

N. M. Scott

B. M. Morgan a witness of lawful  
age being duly sworn according to  
law deposes and Says.

I am tolerably well  
acquainted with the land in the bill  
mentioned known as the Burnett and  
Scott land in Lee County. That I live



within about one mile of The land  
I don't know the quantity of land but un-  
derstand that there is something over 100 acres  
It is what is known as Chestnut ridge land  
being on south side of chestnut ridge about  
eight miles west of Jonesville a part of  
the land is cleared and part in timber.  
From my knowledge of the land I think that  
from five to six Dollars per acre would be a  
fair cash value for it. From my knowledge  
of the land I think it would be easily injured  
from careless cultivation and when injured  
it would be hard to improve. I do not know  
that any person would be injured by the sale  
of the Infant Defendants part of the land. There  
is no running water on the land. No market  
for timber that is on land I know of nothing  
that would enhance the value of the land. I  
do not know of any minerals on land  
I think from thirty to forty Dollars would be  
a fair cash rent for the land in its present  
condition and further this deponent sayeth not

B. M. Morgan.

A. P. Lawson a witness of lawful age being  
duly sworn according to law deposes and  
says. I am tolerably well acquainted  
the land and would say that in its



present Condition it is worth about five dollars per acre and I think about 30 dollars a year would be a fair rent for the entire Tract. The land is all thin land and the Cleared land is Considerably worn and it is such land as would depreciate materially in the hands of tenants and persons who have no permanent. The land is easily washed into gullies and impoverished and then it is hard to improve this being peculiar to the Chestnut ridge land. It is not probable at present that the infant or his mother will ever occupy the said <sup>land</sup> and my reasons for thinking so are that they live out of the State. From the way the land has been cultivated heretofore as far as my knowledge extends it is my judgment that if the land was sold at a fair price and the money put on interest it would be of more real value to the parties than the rents and profits of the land taking into consideration the impoverishment of land and other things that is if the money was properly secured and further this deponent saith not.

A P Harrison



Virginia Lee County to wit:

The foregoing Depositions of George W. McDonald Smith Crabtree Nathaniel M. Scott Benedict M. Morgan and A. P. Hanson were duly taken sworn to and subscribed to before me at B. M. Morgan and Cos. Store in Lee County Virginia on the 28th day of March 1876 the time and place and for the purposes mentioned in the Caption.

Given under my hand this the 28th day of March 1876.

J. J. Harker, J. P.



J. C. McNeil  
guardian &c.

vs. } Depositions

Charles Winslow & others

Justices fee for 5 hours  
taking these Depositions  
\$3.75

5 witnesses 50 cts each  
\$2.50



Alexander C. McKel. Guardian & Pff

vs.

Charles Tinsley & others

Defts

In Chancery

The deposition of Henry J. Morgan Taken in this cause in the presence of William H. Orr, guardian ad litem for the infant deft, on the 2nd day of September 1876 which is intended to be read as evidence on the part of the plaintiff in the above styled cause, and said Morgan being sworn states, That he is tolerable well acquainted with the land in the bill and proceedings mentioned, that it is what is known as chestnut ridge land in this county, that it is of inferior quality, being rather poor, and is of that quality that when once exhausted it is hard to improve. I think five dollars per acre is a full and fair price for the same at this time. The tract is said to consist of about 127 acres, one half of which is now, or was owned, by the mother of the infant defendant, and the other half is owned by the infant as it is said, and this latter half is subject to the dower right of the mother of said infant, and the said tract is undivided and am informed, all these matters being considered I am inclined to think that the interests of the infant would be promoted by a sale of its interest if the proceeds thereof is properly managed.

And further this witness saith not

Henry J. Morgan

The foregoing deposition of Henry J. Morgan, was taken, sworn to and subscribed before me, this 24th 1876.

James W. Orr, Jns in Chancery.



A. L. McNeill & Co  
vs; Depts of H. J. Morgan  
Chas Linsley et al  

---

Filed Sept 2<sup>nd</sup> 1876.  
James W. Connel



A. C. McNeil Guardian &c. Plaintiff } Commissioners  
against } Report  
Charles Finley & others Defendants } of Sale

Pursuant to a decree of the Circuit Court of Lee County made and entered in the above styled Cause the undersigned after executing Bond as required by said decree and posting notices of the time place and terms of Sale at the front door of Lee Court House and at three other public places in Lee County <sup>for more than four weeks before the day of Sale</sup> as required by said decree proceeded on the 6th day of November 1876 at the front door of Lee County that being then and there County Court day to Sell at public outcry to the highest bidder the said Charles Finley the infant Defendants undivided half of the Tract of land, in the Bill mentioned, known as the Burnet or Scott land decreed to be sold Subject to Emily Messer's Dower and the same was bid off by Andrew Myers at the price of \$200.00 he being the highest bidder and he paid me the Costs of the Suit in cash including my Commission <sup>Cost & Commission amounted to</sup> which ~~xxxx~~ \$50.00, and for the residue he executed to me as Comr. a Bond due 12 months after date bearing interest from date for \$150.00 with Henry J. Morgan as his Security waiving the homestead. All of which is



is hereby respectfully submitted,

David Miller Comr.

W. C. Miller, Auctioneer

Court Report

At Sale

Charles Miller & Son

Filed Nov. 20<sup>th</sup> 1876.

A. H. Orin, D.D.

To the Hon. John A. Kelly Judge of the Circuit

Court of the County.

Since this report was

made the party who

agreed to advance a

bidder has paid back

out and all has been

perfect now as to

my being more for the

land and recommending

that the sale be continued

and a deed be

ordered to be made to

the purchaser,

David Miller,

Comr.

To the Hon. John A. Kelly Judge of the Circuit Court:  
Supplemental Report.

Since I made this Sale and filed my report I have been offered privately a bid of \$250. more than Andrew Myers' bid that is a bid of \$225. And the party making said bid was notified by me that he would have the cash to pay down and he stated that he would do so when his bid was accepted and he stated that if necessary that he would still bid more yet. I consider the bidder responsible and I am of the opinion that <sup>more</sup> can be obtained for said land than it was bid off for. Respectfully Submitted  
David Miller Comr.



A B McNeil guardian & Plff  
vs  
Charles Tinsley & al      Defts

To the Hon John A. Kelly Judge of the Circuit Court  
of Lee County

The undersigned Special Commissioner beg leave  
to report that as directed by a decree entered in this  
cause on the 4<sup>th</sup> day of April 1882 He has executed  
signed and acknowledged a deed to James D. Hagan  
conveying to him the debt Charles Tinsley's interest in  
the land in the bill of proceedings mentioned which  
deed is herewith filed for your inspection & approval.

Respectfully Submitted

Henry J. Morgan Special Comr.  
the 1882



A. C. McNeil Guard

vs. } Genl. Report of Genl.

Charles Tinsley & Co.



A. C. McNeil Guardian & Adm<sup>r</sup>

vs

Charles Tinsley & al

Defts

In Equity

Whereas On the 6<sup>th</sup> day of Nov. 1876. I became the purchaser of the undivided half of the tract of Land in the bill and proceeding mentioned at the sum of two hundred dollars of which it required \$50.00 to pay the costs of suit and sale leaving the sum of \$150.00 due the infant child of Charles Tinsley with interest there from date of sale and for which sum I became liable to said infant child. And whereas said infant defendant by his Guardian in the County of Kent. W. Tinsley in a chancery suit by him in the Circuit Court of Lee County Va. against A. C. McNeil guardian for said Infant in Lee Co Va. has obtained in said last named cause an order or decree of Court transferring said sum of \$150.00 with its accruing interest from the state of Virginia to the state of Kentucky where said infant resides and whereas I am wholly unable to pay said sum of money with its accruing interest and James D. Morgan being willing to take said Land and to pay said purchase money yet due In consideration thereof I hereby transfer and assign to him my said purchase and hereby authorize and direct the title of said undivided half of said Land to be made to said Jas D. Morgan instead of to me as heretofore



directed in this case.

Andy. G. Myers

I do solemnly swear that the statements contained  
in the foregoing writing are substantially true and  
correct and that there is and was no collusion  
whatever between myself and said James D. Morgan  
in this transaction, that I have not received any  
profit directly or indirectly thereby but for the  
contingency have lost the sum of fifty dollars, and  
have made this transfer because I am wholly  
unable to pay the purchase money, of which  
so much was paid.

Andy. G. Myers

Seem to sign me the

22<sup>nd</sup> day of Feb. 1880.

James D. Morgan Gent.

Andrew Myers

Assignment to

James D. Morgan

(A/B)



Alexander G. M. Neil Guardian & Poff

vs.

Charles Tinsley & others

Defts

In Chy

By a decree entered in this cause on the 7th day of Sept. 1877. I was directed to call for Andrew Myers the purchase money for the land sold in this cause and to make to him a deed of conveyance therefor but sections of these things have I done.

The claim on said Myers for purchase money of \$1500.00 with interest from Nov 6 1876 I turned over to the Poff as the possession of Charles Tinsley is not a security which is perfectly good for the sum, and in addition to this he had given good security at the time of his qualification.

I thought it improper to make said deed of conveyance until the purchase money should be paid and because I did not do so. And as the Deputy has feared it is well that I did not do so for by a paper filed in the cause marked (A.B) it appears that said Myers was made to pay the purchase money and that he transferred his purchase to James D. Myer who in consideration thereof conducted and was informed did pay to the Poff the purchase money and I am also informed that the plaintiff has paid said purchase money to the attorney of William L. Tinsley the guardian of said Charles Tinsley in the state of Kentucky and this last payment was made pursuant to a decree or order made in a petition for a transfer of said money over payment in your Honor's court between said W. L. Tinsley guardian & vs. A. G. M. Neil guardian &c. There being the facts the said James D. Myer is now entitled to a deed of conveyance for the land sold in this cause. Respectfully &c. David Miller



A.C. McNeil guard ro.

is } Report No. 2 of D. Miller

Charles Tinsley

Alc



James Tinsley Father Living  
W. M. Tinsley Mother dead  
1 Brother living W. M. Tinsley  
Married Leiza Talor 2 Sisters living  
one married George Banbever <sup>name</sup> Mary  
one James Ingram named Margaret  
one Brother <sup>and wife</sup> dead George 5 children  
2 of age married <sup>Barity</sup> Robert green William  
married Mattie Horian. under <sup>age</sup> James  
Maggie John one Sister dead  
Married James Ingram Husband  
Living and 11 children 4 of age  
1 married Mary married W. M. Pardon  
Maggie to George Henderson  
America to George Pardon.  
W. M. William Joeie Leathern  
Lizie Susan James John Peter  
Single

Amer.



Will I lost the you gave me and  
did not know how to answer it -  
but I have give you all the names  
and ages so I think you can  
answer it for me please write  
and send it as soon as you get  
this for fear it is to late now  
we are all well but Alby he  
is very sick to night - nothing new  
to write Will I want you to  
and write for said if you did  
not take his offer within 10 days  
he would back out want to be  
sure not to give it out write  
soon Emily Messer



Virginia,

In the Clerk's office of the Circuit Court of  
Lee County, the 7th day of June 1876.

A. C. McNeil Guardian Plaintiff

against

Charles Linsley et als

Defendants

In Chancery

The object of this suit is to obtain a decree for the  
sale of the interest of the said Charles Linsley in the  
tract of land in the bill mentioned, and to sell the  
entire tract of land in the bill mentioned, And it  
appearing from an affidavit filed in the cause,  
that the defendants Charles Linsley & Son Messer &  
Emily Messer his wife, and Mrs M. Linsley are non-  
residents of this State, It is ordered, that they appear  
here within one month after due publication of this  
order, and do what is necessary to protect their in-  
terests in this suit.

A Copy

Teste James M Orr Clerk

A copy of the above order posted at the front door of the  
Court house of Lee County, on the first day of July Term 1876,  
of Lee County Court.

James W Orr, Clerk



1-1-1-

A. L. McNeil Guardian

vs Order Publications

Charles Simsley et al

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Copy to Lee County Sentinel



# The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting,

WE COMMAND YOU TO SUMMON *Charles Lindsey an infant*  
*Son of James P. Lindsey deceased and Sion Mott*  
*and Emily Mott his wife and William W.*  
*Lindsey Sr.*

to appear before the Judge of the Circuit Court of Lee County, at the Court-house, in the  
Clerk's Office, *at February* Rules next, to answer a bill in chancery, ex-  
hibited in our said Court against

*Thos. W. Alexander G. M. Peile*  
*Guardian for the infant Charles Lindsey*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the  
Court-house, this *10<sup>th</sup>* day *January*, 1876, in the *100<sup>th</sup>* year of the Commonwealth.



We the undersigned Defendants named  
in the within Summons do hereby accept  
the legal Service of the Same and do hereby  
further waive all further Summons and  
orders of publication against us as to this  
Cause. This 1st Day 1876

John David Miller,

Simon H. Hoffer  
mark



Virginia Lee County to wit:

To the Sheriff or any Constable of Lee County:  
I hereby Command You to Summons George W.  
McDonald, Smith Crabtree, Nathaniel M. Scott

to appear before me at B. M. Morgan & Co's.  
Store in Lee County Virginia to on the 28th day  
of March 1876 to give evidence by way of Dep-  
ositions which Depositions are intended to be  
used and read as evidence in behalf of A. C.  
McNeil Guardian & C. vs. Charles Tinsley and  
others in a Suit in Chancery now pending in  
the Circuit Court of Lee County wherein the said  
A. C. McNeil as Guardian & C. is plff and the  
said Charles Tinsley and others are Defendants.

And this they shall in no wise omit under  
the penalty of \$20, given under my hand  
this March 25th 1876.

Jeremiah Harlan J. P.



We the undersigned witnesses mentioned the within  
Summons do hereby accept the legal Service of the  
Same on this the 25<sup>th</sup> day of March 1876.

E. W. McDonald

Smith Co attee

Wm Scott

B. M. Morgan

A. D. Henson

A. C. McNeil  
admr. &c.

W. Spad.

Charles Linsley Voth



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Charles Tinsley an infant son of*  
*James R. Tinsley deceased and Leon Metter and Emily*  
*Metter his wife and William M. Tinsley Sr.*

to appear before the Judge of the <sup>*Circuit*</sup> ~~County~~ Court of Lee County, at the Court House, in the Clerk's Office, at

*February*  
against *them* by *Alexander C. McNeil* guardian  
for the infant *Charles Tinsley*  
Rules next, to answer a bill in Chancery, exhibited in our said Court

And have then there this writ. WITNESS, JAMES W. ORR, Clerk of our said Court, at the Court House,  
this *10th* day of *January*, 1876, in the *100th* year of the Commonwealth.

*James W. Orr Clerk*  
*A Copy Teste James W. Orr, Clerk.*



Alexander C. McNeil  
Guardian &c.

vs. } Summons in  
} Chancery

Charles Tinsley & others  
To February rules 1896



Positively the Largest Circulation of any Paper in South-West Va.

Office of

# The Lee County Sentinel,

CHARLES WILLOUGHBY, Ed. & Prop.

Jonesville, Va., June 30. 1876.

I hereby certify that the Chancery  
order of A. C. McNeil, guardian  
vs. Charles Tinsley et als, of which  
the annexed is a copy, was printed  
successively four weeks in the Lee Co.  
Sentinel (including today) a weekly  
newspaper published in the  
commonwealth of Virginia.

C. Willoughby.

Ed. Sentinel

**V**IRGINIA.—In the Clerk's office of the  
Circuit Court of Lee county, the 7th day  
of June, 1876.

A. C. McNeil, guardian, Plt'ff. } In  
against } Chancery.  
Charles Tinsley et als, Def't's. }

The object of this suit is to obtain a  
decree for the sale of the interest of the  
said Charles Tinsley in the tract of land  
in the bill mentioned, and to sell the  
entire tract of land in the bill mentioned.  
And it appearing from an affidavit filed in  
the cause, that the defendants Charles  
Tinsley and Sion Messer and Emily Mes-  
ser his wife, and w.m. M. Tinsley are  
non residents of this State. It is ordered  
that they appear here within one month  
after due publication of this order, and  
do what is necessary to protect their in-  
terests in this suit. A copy.

Teste—JAMES W. ORR, Clerk.

June 9:4w p f. \$5. JUNE 24-1876



Pubr. Certificate  
by { A. C. McMillan  
L. C. McMillan, Pres. & Sec.